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09/858,134	05/15/2001	Samuel Cannavo	IFK-002.01 (21426-201)	1732

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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/858,134

Applicant(s)

CANNAVO ET AL.

Examiner

Simon Sing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5_6_</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1.1 The drawings (figures 1-6) are objected to under 37 CFR 1.83(a) because they fail to show legends as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. See MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

1.2 The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 2 fails to show "server system 14" described on page 14, lines 4-6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10, 12, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Astarabadi US 5,822,405.

2.1 Regarding claim 1, Astarabadi discloses a portable computer 120 with voice recognition capability to retrieve voicemail messages from voicemail system 140 in figure 1 (column 10, lines 11-18, 35-67). Astarabadi teaches:

providing an voice recognition application in computer 120 (column 11, lines 9-63; column 14, lines 15-32) with access data and control data for the voicemail system 140 (column 12, lines 17-27, 60-67; column 15, lines 45-51);

communicating between the computer 120 and voicemail system 140 (column 15, lines 15-25);

employing the voice recognition application to respond to voice prompts from the voicemail system 140, and to receive voicemail messages form a user's mailbox (column 15, lines 52-67; column 16, lines 1-15).

2.2 Regarding claim 2, Astarabadi teaches using an audio output device, including DTMF to interact with the voicemail system 140 (column 15, lines 45-51; column 16, lines 5-15).

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2.3 Regarding claim 3, Astarabadi teaches that accessing and control data are stored in computer 120 (column 15, lines 45-51).

2.4 Regarding claim 4, Astarabadi teaches that communication between the voice recognition and voicemail system 140 occurs through communication network 110 (figure 1).

2.5 Regarding claim 5, Astarabadi teaches that communication between the voice recognition and voicemail system 140 occurs through a public switched telephone work 110 (figure 1).

2.6 Regarding claim 6, Astarabadi teaches notifying a user that new voicemail messages have been received (column 12, lines 49-67; column 13, lines 1-9; column 15, lines 52-57).

2.7 Regarding claim 7, Astarabadi teaches retrieving new voicemail messages from the voicemail system 140 (column 15, lines 58-67; column 16, lines 1-15).

2.8 Regarding claim 10, Astarabadi teaches assessing other voice-based information, such as bank account information, stock quotes, stock market information (news) and portfolio, etc.

2.9 Regarding claim 12, Astarabadi teaches entering a mailbox number to receive new message notification (column 12, lines 49-67; column 13, lines 1-9; column 15, lines 52-57).

2.10 Regarding claim 13, Astarabadi discloses a portable computer 120 for interface with voicemail system 140 (figure 1), the compute 120 comprising:

- a voice recognition application (column 11, lines 9-63; column 14, lines 15-32);
- a modem (transceiver) to communicate between the voicemail system 140 and the application (column 10, lines 35-39; column 15, lines 15-25); and
- a memory (database) to store retrieved voicemail messages (column 15, lines 58-65).

2.11 Regarding claim 16, Astaraabadi teaches notifying a user by outputting an audible indication (beep) that a new voicemail message has been recorded (column 15, lines 58-67; column 16, lines 1-3).

3. Claims 1 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dans US 6,195,417.

3.1 Regarding claim 1, Dans discloses an automatic system for accessing speech-based information in figure 1. Dans teaches:

providing an speech recognition application with access data and control data for accessing a speech-based banking information system (column 5, lines 30-36; column 6, lines 21-44; column 10, lines 56-67; column 11, lines 1-15);

communicating between the application and the speech-based banking information system (column 10, lines 56-67; column 11, lines 1-15); and

employing the speech recognition application to respond to the speech-based banking information system so as to receive information (column 10, lines 56-67; column 11, lines 1-15).

3.2 Regarding claim 13, Dans discloses an automatic system (column 2, lines 20-67) for accessing speech-based information in figure 1, comprising:

a speech recognition application (recognizer 46 and recognition engine 48) (column 6, 33-54);

a transceiver (telephone interface card 60) to communicate information between the speech-based banking information system and the application (column 8, lines 18-29); and

a database (check information database 26) to store information received from the speech-based banking information system (column 11, lines 1-15).

3.3 Regarding claim 14, Dans teaches providing received information to a user (column 5, lines 6-18, 30-36; column 11, lines 11-15).

3.4 Regarding claim 15, Dans teaches a user providing access data and account data (column 5, lines 6-18, 30-36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astarabadi US 5,822,405 in view of Dunn et al. US 5,651,054.

Astarabadi teaches notifying a user of new voicemail messages, but fails to teach notifying the user in real time.

However, Dunn discloses a voicemail system in figure 1 (column 2, lines 50-67; column 3, lines 27-39) in that a user using computer 14 to access voicemail system 38. Once logged into the voicemail system 38, the user is notified of messages received in his/her mailbox (figure 5), and if a voicemail message recording is in progress, the user is notified in real time (figure 5, line 161; column 5, lines 43-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Astarabadi's reference with the teaching of Dunn, so that the user would have been notified in real time in case a voicemail message recording was in progress, because such modification would have enabled the user to listen to the voicemail message at once.



5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astarabadi US 5,822,405 in view of Srinivasan US 6,072,862.

Astarabadi teaches notifying a user of new voicemail messages, but fails to teach that voicemail system 140 notifies the user in by fax, email and telephone call, etc.

However, Srinivasan discloses an adaptive method for message delivery. Srinivasan teaches that messaging system 10 notifies a subscriber of an arriving message via subscriber preferred message waiting notification media, including fax, email and pager (column 2, lines 42-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Astarabadi's reference with the teaching of Srinivasan, so that the voicemail system 140 would have notified the user of new voicemail messages in a medium preferred by the user, including fax, email, telephone call and pager, because such modification would have enabled the voicemail system to notify the user via user designated media.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astarabadi US 5,822,405 in view of Adler et al. US 5,367,561.

Astarabadi teaches assessing other voice-based information, such as bank account information, stock quotes, stock market information (news) and portfolio, but fails to teach that the information is on a fee per call basis.

However, Adler discloses an information accessing system in figures 1-3. Adler teaches a customer accessing a database such as a stock quote, or daily horoscope which charges the customer a fee based on the length of the call (column 6, lines 20-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Astarabadi's reference with the teaching of Adler, so that the voice-based information provider would have charged the user a fee per call, because such modification would have enabled a voice-based information provider to recuperate operating expenses.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

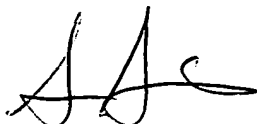
Wu US 6,173,042 discloses a computer based voice recognition application (IVR access system) for accessing an interactive voice response system, such as electronic banking system in figure 1.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

03/29/2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

